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SUBJECT: USG HUMAN RIGHTS STRATEGY FOR NEPAL

REF: STATE 13790

SUMMARY

1. In CY 02 our Mission engaged with the Government of Nepal (GON), the military, and members of civil society on a variety of fronts to advance the USG human rights agenda. Such programs have addressed needs in areas as diverse as voter education; advocacy in a democracy; trafficking in persons; child labor; civic education; women's political participation; press freedom; rehabilitation of torture victims; the Law of Armed Conflict; and the investigation of human rights abuses by the military. End summary.

STRENGTHENING DEMOCRACY/
WOMEN'S RIGHTS

2. To address Nepal's weak democratic institutions, our USAID Mission has worked with the host government, civil society and American NGOs to bolster support for free and fair elections. A two-year voter education program, funded at USD 609,696, trained 180 district election officials and 1,227 civic/political leaders from 30 districts in proper election procedures. The program also printed and distributed 50,000 voter awareness booklets with pertinent election laws and 70,000 voters' resource manuals. In addition, 30 episodes of a radio drama on voters' rights and responsibilities were aired in 10 local languages. As a result, district election officials, local political party and civic leaders, as well as general voters, benefited from increased awareness of election procedures.

3. To help support an expanded role for women in the electoral process, the USAID Mission has funded a two-year program (begun in late FY 01) to increase women's political participation by preparing approximately 4,000 female candidates for upcoming local body elections. To date USD 628,304 has been obligated in this program. After local elections were postponed in mid-2002, implementing partners adapted the program to focus on preparing training materials, surveying women leaders to identify potential candidates, and conducting a needs assessment of 400 local female representatives. Public Diplomacy (PD) also conducted a series of workshops on women's empowerment in various locations across the country, including some focused on women's participation in the media.

4. During CY 2002 the USAID Mission continued a cooperative agreement, begun in FY 01, to strengthen advocacy and local government accountability. To date USD 689,070 has been obligated. This program aims to achieve strengthened capacity of federations/coalitions of natural resource user groups and women's groups to advocate for member interests and increased scrutiny of government performance in the allocation and management of funds for local development. To date, 366 lead group members have been trained, who have in turn trained another 593 members of forest and irrigation users' groups and women's groups. The women's coalitions have engaged in advocacy campaigns on a wide variety of issues, including the dowry system; leadership training; employment conditions for women in hotels and restaurants; reservation of 25 percent of local government budgets for women's development; and combating witchcraft accusations. USAID has signed a second cooperative agreement for a similar three-year program, funded at USD 750,000, that will expand this program to additional districts in mid-western and far-western regions of the country.

5. To increase awareness of citizens' rights and responsibilities in Nepal's relatively young democracy, the PD section sponsored a program to develop a civic education curriculum for schools in at least 15 districts. The curriculum has been so successfully received that the Ministry of Education plans to implement its use in grades 10-12 and has asked for complementary materials for use at the primary school level. In CY 02 USD 164,451 was spent on this program.

16. In March PD sponsored a lecture program on "The Individual Citizen and Democracy: Rights and Responsibilities." In June PD sponsored two seminars for members of civil society, the government, and the judiciary on "The Difference Between Human Rights and Citizens' Rights" and "Human Rights and the Rule of Law" in Kathmandu and Pokhara respectively.

ANTI-TRAFFICKING/
CHILD LABOR

17. In FY 01-02 the Mission supported anti-trafficking programs that included training for local government anti-trafficking task forces, overseas employment agency rights training, dissemination of information on safe migration, psycho-social counseling, and anti-trafficking network strengthening. To date USD 900,000 has been obligated for these activities. Participants included vulnerable women and girls, teachers and students, staff of transit homes for returning victims of trafficking, members of local government and transport workers. USAID-funded programs also reviewed the SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution from a human rights perspective, as well as a study of Nepal's labor and migration laws in the context of trafficking and women's right to migrate. The latter study found that restrictions on women's overseas employment in fact made it more likely that women would resort to illegal migration, thus making them more vulnerable to being trafficked. (Note: Legal restrictions on women's right to travel to the Gulf for employment have since been lifted. End note.) In CY 02 the Mission also funded a program through UNICEF to provide computer equipment and to design a database for police units specifically charged with controlling trafficking.

18. The USG Department of Labor has committed USD 5 million for a comprehensive, three-year, "time-bound" program to eliminate the worst forms of child labor. This program is being implemented through the ILO and the NGO World Education.

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HUMAN RIGHTS IN THE CONTEXT OF THE INSURGENCY
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19. For the past seven years, Nepal has been gripped by a violent domestic Maoist insurgency in which nearly 7,000 people have been killed. After the Maoists unilaterally broke a ceasefire with a series of attacks on the security forces in November 2001, King Gyanendra, on the advice of the Prime Minister, mobilized the Royal Nepal Army (RNA) and declared a state of emergency that suspended many basic civil rights. Human rights has been a central part of our bilateral dialogue at all levels of our interactions with the police, the army, and the civilian government throughout the year. In June PD sponsored guest speaker lectures for journalists, editors, and the government on "Freedom of Information During a State of Emergency." The Embassy and DAO have maintained an active dialogue on the subject of human rights with RNA commanders during CY 02, arguing that respect for civilian rights is a tactical necessity in counterinsurgency as well as a moral imperative of a democratic government. Our repeated demarches demonstrably have influenced the human rights sensitivity of top military leaders.

110. Emboff and DATT met with the RNA to inquire about the arrests of two human rights activists and two journalists in March; the four were subsequently released without charge later in the month. The Embassy has pursued a number of cases, including some apparent extrajudicial killings, with the RNA's human rights cell. In one of these cases, the RNA has provisionally disciplined two soldiers involved. Further investigation into this case was pending at year's end. In CY 03 the Embassy plans to coordinate assistance to the respective human rights cells of the three branches of the security forces (RNA, civil police, Armed Police Force) with the British.

111. In September the Embassy's Offices of Defense Cooperation (ODC) and Public Diplomacy jointly sponsored the participation of two lecturers from the Defense Institute of International Legal Studies in a two-day seminar on the Law of Armed Conflict and Rules of Engagement for at least 20 RNA officers at the rank of colonel and above. In December a Department of Defense Mobile Training Team exercise, funded through IMET, trained the RNA on civil affairs.

112. The Ambassador pressed the Prime Minister and Foreign Ministry officials to conclude a long-pending headquarters agreement with an international INGO and to allow the INGO

access to detainees in military barracks. (Note: The headquarters agreement was subsequently signed in January 2003. End note.) By the end of the year, the INGO had been allowed at least one visit to a military barracks.

13. In June the USAID Mission initiated a project to rehabilitate torture victims and build capacity among health professionals that deal with torture victims. Under a cooperative agreement with the Center for Victims of Torture (CVICT), more than 1,000 torture victims and their families will receive comprehensive medical and psychological care, as well as legal counseling. Mobile treatment clinics also conduct community awareness programs to inform rural communities of their rights and the legal and therapeutic recourse available to them. Fact-finding teams (composed of a doctor, a lawyer, and a journalist) investigate, document and report credible accounts of torture. CVICT will train 100 medical professionals in medico-legal aspects of examination, documentation, and reporting cases of torture and rape. The total budget for the project is USD 600,000.

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